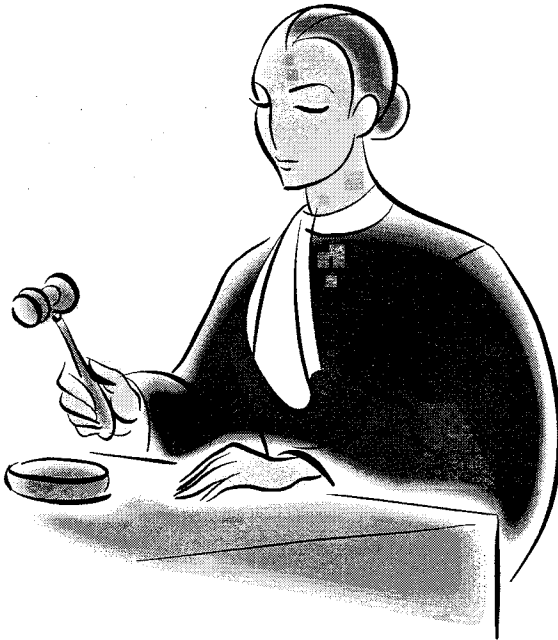


## Understanding the Juvenile Delinquency System



2005

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## WHY SHOULD YOU READ THIS?

The Juvenile Delinquency System is a complicated web of people, agencies, and laws. This pamphlet was written for *you*, the juvenile in the system, so that you can better understand what is going on. It is important for you to understand what is happening at every step and what everything means so that you can make good choices and take some control over the process. The more you know the more power you have to reach an outcome you will be satisfied with.

If you have more questions along the way, ask your defense attorney or get in touch with Public Counsel. Public Counsel has a Juvenile Advocacy Clinic where attorneys and volunteers go into Central Juvenile Hall to answer your questions and get you whatever help you need. Sign up to talk us. If you do not know who your defense attorney is, we can help you find out.

## PLAYERS

**Juvenile/Minor:** Someone under 18 years of age. In court, the judge and lawyers often refer to *you* as the minor/juvenile instead of actually saying your name.

**Defense Attorney:** A Defense Attorney is the person who is supposed to help you with your case. The defense attorney can help you decide whether or not to admit the petition (charge), and if you want to adjudicate (go to trial) your attorney will put on the evidence and defend you. An attorney and a lawyer are two names for the exact same person. There are other names that you may hear your defense attorney being called, such as "Public Defender" or "Panel Attorney". Whatever the name, they play the same role. Everything you tell your Defense Attorney is confidential (secret). Remember, the defense attorney works for *you*, and you are the client. Make sure you know your defense attorney's name and how to get in touch with him or her.

**Probation Officer:** A Probation Officer will be assigned to you

by the court. The Probation Officer is supposed to check up on you after disposition (sentencing) and make sure you are following the rules. Probation Officers make reports to the court on your behavior and your progress with your court-ordered program or placement. Probation Officer can also help you connect with services that you need, like counseling, drug treatment, or getting extra help in school.

**Judge:** The Judge is the boss or top person in the courtroom. He/she is like a referee in a game. His/her job is to 1) make sure your rights are protected, 2) make sure the defense and prosecution lawyers follow the law, 3) decide if the petition filed against you is true or untrue based on the evidence presented at adjudication (trial). Sometimes a Judge is called a "Commissioner", "Referee" or "Bench Offer".

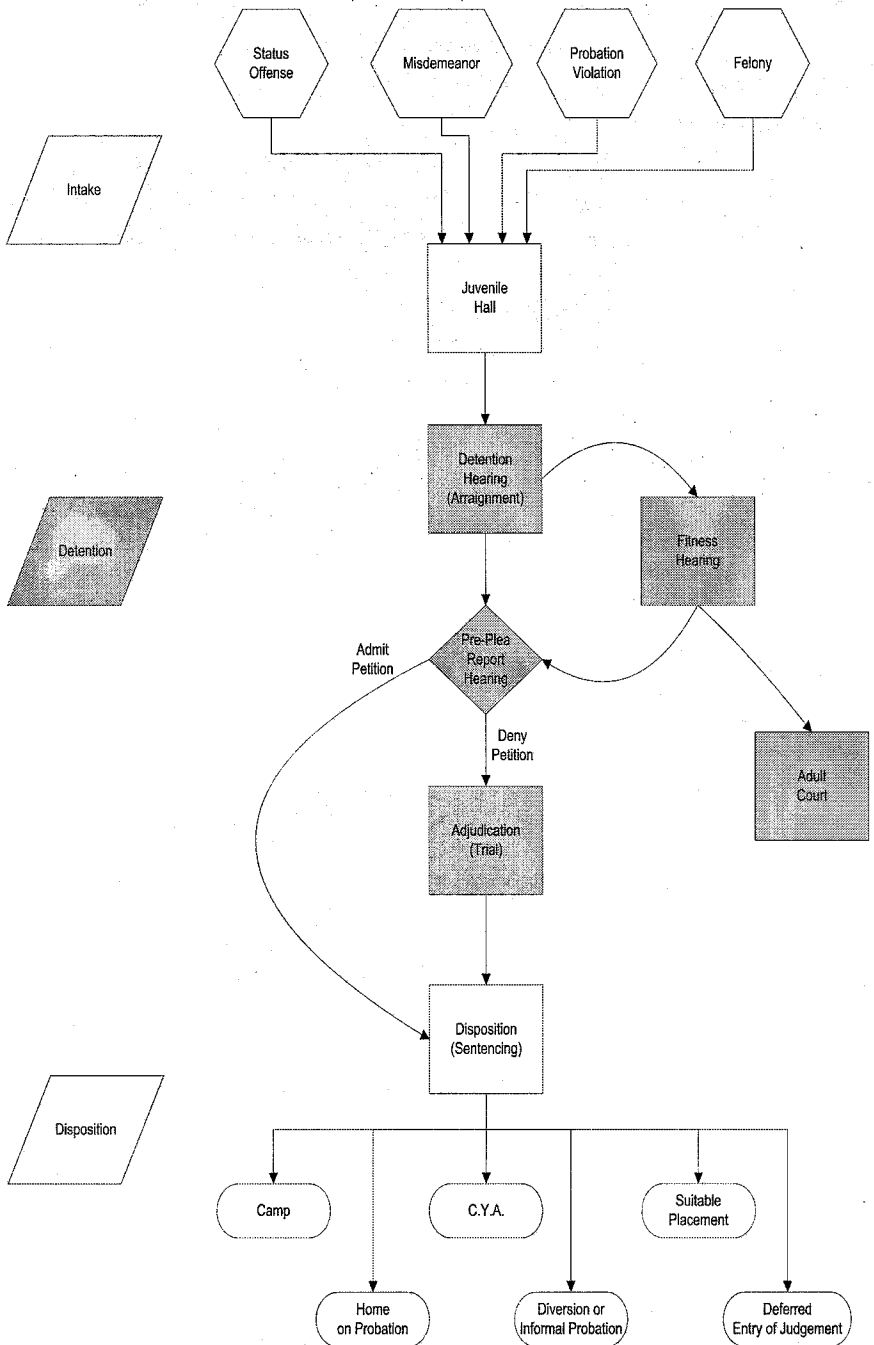
**Prosecutor/District Attorney:** This is the attorney working for the county or state. The Prosecutor's job is to keep people safe from crimes. The Prosecutor's office decides whether to file criminal charges, what charges to file, and later whether or not to dismiss charges as part of a plea bargain. In an adjudication hearing (trial) the Prosecutor's job is to present evidence to the judge to prove that the petition is true (you are guilty of the crime).

## TRANSLATING TERMS

*A lot of people are more familiar with the legal terms used in adult court. This is because these are the words that are usually used on TV and in the news. In juvenile court, different legal terms are used than in adult court, even though they pretty much mean the same thing. Below is a chart comparing the words in juvenile court with the same meaning terms in adult court.*

JUVENILE COURT	ADULT COURT
Petition	Charge (offense)
Admit petition	Plead guilty to charge
Deny petition	Plead <i>not</i> guilty to charge
Petition is found true	Found guilty
Petition is found <i>not</i> true	Found <i>not</i> guilty
Detention Hearing	Arraignment
Adjudication	Trial
Disposition	Sentencing

# Juvenile Delinquency System



## **HOW THE SYSTEM WORKS**

*The juvenile delinquency system breaks down roughly into three parts: "Intake", "Detention", and "Disposition". You can follow along the flow chart and see how the three parts of the system work together. In the section below, "Intake" talks about how you get into the system. "Detention" covers the period of time you wait to see what happens with your case. You can either stay at Juvenile Hall or go home at this time. The last section, "Disposition," talks about what happens after you leave juvenile hall.*

### **I. Intake:**

**What are the ways that I could end up in juvenile hall?**

You can go to juvenile hall if you commit a crime, either a misdemeanor or a felony, and are arrested. You can also go to juvenile hall if you commit a status offense and someone refers it to the Probation Department. A status offense is a crime that you could not get in trouble for if you were an adult. Two common status offenses are skipping school (truancy) or repeatedly failing to obey your parents or guardian and having harmful conduct (incorrigibility). It is very unusual to be sent to juvenile hall only for a status offense, but it is possible. If you are already on probation and violate some part of the probation order, you can also be sent back to juvenile hall.

## **What happens when I enter the juvenile justice system?**

When you enter the system, the District Attorney (called a "D.A.") files a petition (charge) against you. A petition is the same thing as a charge against you, but "petition" is the word used in juvenile court and "charge" is the word used in adult court. If you commit a misdemeanor or a felony, the petition is filed under section 602 of the Welfare and Institutions Code. If you commit a status offense, the D.A. or the Probation Officer files under section 601 of the Code. If you commit a probation violation, the D.A. files under section 777 of the Code. This is the system's way of categorizing you by the offense you are accused of. This is important because the rules and what you are required to do may be different according to the offense. At a later point, you will have to admit or deny the petition (in adult court this known as pleading guilty or not guilty).

## **What else happens when a D.A. files a petition against me?**

The D.A. may ask the court to decide whether you are unfit to stay in the juvenile court system and should instead be tried as an adult. A fitness hearing is also called an "Edsel P." hearing. You are fit to be in the juvenile court system if you are under 18 years old and can be rehabilitated. Rehabilitated means you can be a good and useful member of society. When deciding whether or not to send you to the adult court system a judge will consider several things: 1) the sophistication of the crime, 2) whether there is enough time to rehabilitate you in the juvenile court, 3) your previous delinquency record, 4) whether previous attempts to rehabilitate you have been successful, and 5) the seriousness of and the circumstances around the offense you are accused of. To stay in the juvenile system you must be found "fit" on all five criteria.



## **II. Detention:**

### **What is a Detention Hearing?**

A Detention Hearing, called "Arraignment" in adult court, is the first time you go in front of the judge after you get to juvenile hall. The hearing is usually closed to the public, so nobody else can be at the hearing except for you, your family, attorneys and court staff. If you are accused of committing a crime that falls under the category of a section 707(b) offense (a very serious offense) the hearing is *not* closed. At the Detention Hearing you are appointed a defense attorney. Very often the defense attorney will come from the Public Defenders Office. Other times the defense attorney will be a private "panel attorney" who is also provided at no charge. You also have the right to get your own private attorney if you can afford one. At the Detention Hearing you will hear the petition filed against you (find out the charges against you). With the help of your attorney you will then either admit or deny the petition. This is usually just a formality, so almost everyone denies the petition until you can talk more with your attorney. Then, the judge will decide whether to let you go home or whether you should stay at juvenile hall. The judge will let you go unless it is necessary to detain you to protect the public, for your own protection, or to prevent you from running away.

### **When is the next time that I go to court?**

This depends. Your attorney can request to have a rehearing (second hearing) on the issue of detention if you want, but it is not automatic or required. This is called a Dennis H. or William M. hearing. If your attorney asks for a rehearing on detention, it takes place 3-5 days later. A Dennis H. or William M. hearing may be appropriate if you can now present people or evidence that might not have been available at the detention hearing, or if your circumstances have changed.

If you do not ask for a rehearing on the issue of detention, the

against you. Before admitting anything to anyone, talk to your attorney. Your attorney will help you think about the benefits and disadvantages of admitting the petition and can explain to you what will happen if you admit the petition. If you admit the petition there will be *no* adjudication (trial) because you will have waived that right. The next thing that will happen is Disposition (sentencing).

### **How does my detention change if the D.A. files a fitness motion?**

If the D.A. feels that you are not fit to be tried as a juvenile you will have a Fitness Hearing. The Fitness Hearing will be within 15 days of the Detention Hearing (Arraignment). At the Fitness Hearing the court will decide whether you can be rehabilitated in the juvenile court or should be sent to adult court. The factors that the judge will look at are: 1) the sophistication of the crime, 2) whether there is enough time to rehabilitate you in the juvenile court, 3) your previous delinquency record, 4) whether previous attempts to rehabilitate you have been successful, and 5) the seriousness of and the circumstances around the offense you are accused of. To stay in the juvenile system you must be found "fit" on all five criteria. If the judge decides that you are fit to be tried in the juvenile system, a trial date will be set. If the judge decides that you are *unfit*, your case will be sent back to the D.A.'s office, which will file a petition against you in adult court within 3 days.

### **III. Disposition:**

**What happens if I admit the petition (plead guilty) or the petition is found true after an adjudication (I am found guilty of the charges against me after trial)?**

If you admit the petition (plead guilty ) or the petition is found to be true, you will go into court for Disposition (Sentencing). This

is where the judge decides where you should go after juvenile hall. The Probation Department will conduct a social study and make its recommendation to the court, although the judge does not have to do what the Probation Department recommends. There are several things that might happen: 1) you could be given informal probation through a diversion program, 2) you could be eligible for Deferred Entry of Judgement, 3) You could be sent home on probation, 4) the judge may order you to be sent to a suitable placement (like a residential treatment facility or group/foster home), 5) you may be sent to a Probation Camp Program (usually called "camp"), or 6) the judge may order you to the California Youth Authority (CYA).

### **After the Disposition Hearing do I ever have to go to court again?**

If you are in a suitable placement or home on probation, you will have to go into court for a review after 6 months. The judge will want to see how you are doing and whether or not the disposition is working out. If you are in a residential facility or group home because you were suitably placed, staff from that facility or home may come to court to give a report about your progress. You may also go back to court if you violate the terms of your probation or if you need a new disposition because the one you have is not working. If your current disposition is not effective, the D.A. can ask that the court order a more restrictive disposition.

### **What exactly is the difference between all the dispositions?**

1. Informal Probation/ Diversion
  - Governed by Welfare & Institutions Code Section 654.2
  - The court does not adjudge you to be a ward of the court (yet)
  - The hearing is continued for 6 months while you are on informal probation
  - If you comply with all the terms of the informal probation program during the 6 months, the charges against you are dismissed

- A similar program is called “Non Wardship Probation”, which is governed by Welfare & Institutions Code Section 725. The difference here is that you admit the petition and are on 6 months of formal probation.
2. Deferred Entry of Judgement
    - You may qualify if this is your first felony offense.
    - You must be 14 years old or more
    - You admit the charges
    - If you obey all the terms and conditions of probation for 12 to 36 months the charges will be dismissed.
    - You are not declared a ward of the court unless you violate probation.
  3. Home on Probation
    - The court may impose reasonable conditions such as attending school, keeping grades up, drug testing, going to counseling or taking prescribed medications.
    - If any conditions is violated, the court may order a stricter placement (like suitable placement, camp, or CYA.)
  4. Suitable Placement
    - A placement outside of your usual home
    - Usually at a residential placement, group home, or relative’s home
    - Purpose of suitable placement is usually to provide more supervision, counseling, or services that can be given at home.
  5. Camp
    - Camps are run by the Probation Department
    - Most of them are in the style of a military boot camp, with lots of structure, marching, and strict rules.
    - There are 19 camps in L.A. County which include fire camp and sports camp
    - If you are on any psychotropic medications, you must go to Camp Challenger
  6. California Youth Authority (CYA)
    - The most restrictive of all dispositions
    - Juvenile Hall and camp are run by the county, CYA is run by the state of California
    - Kind of like a prison for youth
    - Intended for serious offenders and very dangerous youth
    - You can stay there until you’re 25.

## COMMON JUVENILE COURT TERMS

*Sometimes when you are in court or talking to your Attorney or Probation Officer you might hear them refer to numbers instead of words. These numbers represent code sections from the Penal Code or the Welfare and Institutions Code (WIC). These numbers are like nicknames that are used instead of actually saying the term. It is important for you to know what these numbers mean so that you can better understand what is going on. If you ever don't understand what is being said you should ask for someone to explain it to you in real words.*

- **241.1:** A “241.1” is a joint assessment that is done by the dependency system and the delinquency system to see which system will better serve your needs. This assessment usually occurs if you are in foster care and are accused of committing a crime, so there is a possibility that your supervision will be transferred from the foster care system to the delinquency system. A 241.1 can also be used the other way around. In other words, if you are in the delinquency system and have completed your program, but you cannot go home because it is unsafe or you have been abandoned, a judge can order a 241.1 to evaluate whether you should return to the dependency system (foster care).
- **300:** If you are called a “300” it means you are a ward (under the supervision of) the *dependency* court. This means that you are a foster child.
- **601:** “601” refers to the section of the Penal Code that talks about status offenses. A status offense is a crime that you could not get in trouble for as an adult, but *can* as a minor (under 18 years old). Two common status offenses are skipping school (truancy) and repeatedly failing to obey your parents or guardian and having harmful conduct (incorrigibility). If you repeatedly

commit a status offense, a teacher, parent or police officer may refer you to the Probation Department and they may file a petition (charges) against you in juvenile court. If you admit to the status offense or a petition is found true (found guilty) you will be a ward (under the supervision) of the juvenile delinquency court and may be called a "601".

- **602:** If you are called a "602" you are a ward (under the supervision) of the juvenile *delinquency* court. A "602" is a person who has admitted to a misdemeanor or a felony crime, or who has gone through an adjudication (trial) for a misdemeanor or felony and the petition (charge) has been found true. By law, 602s and 300s must be kept apart at all times.
- **707(b):** Certain crimes are listed under section 707(b) of the Welfare and Institutions Code (for example murder, rape, robbery, etc.). These crimes are serious crimes. If you are accused of a 707(b) offense your hearings and adjudication (trial) may be open to the public and the District Attorney may file a petition for a fitness hearing to try to move you into adult court. If you admit to a 707 (b) offense or the petition is found true after an adjudication, it may count as a strike (depends on your age) and your juvenile court record cannot be sealed.
- **730:** A "730" is the term used for a psychological assessment report. If the judge asks for a 730 you will be visited by a psychologist or a psychiatrist who will evaluate you and see if you have any special needs because of mental health issues. The judge may take into account the results of the 730 when deciding what is the best placement option for you after juvenile hall. The 730 assessment may also be requested if you will go to a Fitness Hearing to determine whether you are unfit to be tried in juvenile court and should be tried in adult court instead.

commit a status offense, a teacher, parent or police officer may refer you to the Probation Department and they may file a petition (charges) against you in juvenile court. If you admit to the status offense or a petition is found true (found guilty) you will be a ward (under supervision) of the juvenile delinquency court and may be called a “601”.

- **602:** If you are called a “602” you are a ward (under the supervision) of the juvenile *delinquency* court. A “602” is a person who has admitted to a misdemeanor or a felony crime, or who has gone through an adjudication (trial) for a misdemeanor or felony and the petition (charge) has been found true. By law, 602s and 300s must be segregated (kept apart) at all times.
- **707(b):** Certain crimes are listed under section 707(b) of the Welfare and Institutions Code (e.g. murder, rape, robbery, etc.). These crimes are serious crimes, and because of the gravity of the alleged offense, you may be treated differently in certain circumstances. If you are accused of a 707(b) offense your hearings and adjudication (trial) may be open to the public and the District Attorney may file a petition for a fitness hearing to try and move you into adult court. If you admit to a 707(b) offense or the petition is found true after an adjudication, it may count as a strike (depends on your age) and your juvenile court record cannot be sealed.
- **777:** If you break the terms of your probation your Probation Officer (P.O.) may file a violation report called a “777” (sometimes called a “triple-7”). You can either admit the violation or have a hearing. If you admit or are found in violation you can be sent back to juvenile hall or a more restrictive placement, the judge can add new terms to your probation and send you back home or to your placement, or the judge could just reprimand you and give you a second chance.

- **778:** If a “778” petition is filed it is in order to change your disposition (placement). Usually, this means you are doing well and it might be time to move you into a less restrictive setting. Once you are done with your program and have successfully completed your probation, a 778 may be filed in order to terminate the court’s jurisdiction over you.



# NOTES


My Attorney's Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_

My Probation Officer's Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_

# NOTES



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